

### R E M A R K S

Applicants have very carefully considered the Examiner's Office Action of May 7, 2003. A number of claims have been amended in response thereto so as to place the application into condition for allowability.

Claims 62, 65, 72, 73, 85-88, 97, 98, 111 and 112 objected to in the Office Action have been rewritten in independent form as new claims 133 to 144. Objected-to claim 84 was rewritten in independent form as claim number 145. Those claims should now all be allowable. Additionally, claims 58, 63, 67 and 92 have been amended so as to place them and their related dependent claims into condition for allowance. We also wanted to note that neither claim 66 nor claim 117 were referred to in the Office Action. Those claims have not been amended and are believed to be allowable for at least the reasons set forth subsequently. Further, applicants note with appreciation that claims 30-58 have been allowed. Claims 77 and 91 have been amended for clarification and grammatical reasons. New claims 120-132 correspond to claims 76-81, 101-106 and 113 rewritten in independent form.

While claims 58-61, 63 and 64 have been rejected as anticipated by Allison, and, claims 67-71, 74-83, 89, 96, 99-110, 113-116 and 118-119 have been rejected as obvious and unpatentable over Allison in view of Jenke, as explained, those claims, as pending, as neither anticipated nor obvious in view of the prior art of record.

Unlike the claimed invention, Allison discloses and teaches only creation of a singular play list which is made up of inputs from a variety of different touch panels. Thus, in Allison, no one user can do anything more than enter selections to be incorporated into a singular play list having inputs from different users. In this regard, the Examiner is directed to Fig. 3 of Allison in step S4, choices can be entered by a group of listeners via touch screens 2. In step S7, the singular running play list is created which then subsequently in step S10 results in playing of one of the selected works on the list. Allison further has no disclosure whatsoever of a recordable and removable medium.

Jenke is also deficient in that it does not disclose, suggest or make obvious creating even a single play list. Rather, Jenke describes itself as "a device that is in part a digital replacement for an analog audio tape recorder" (Col. 5, ll. 27, 28 Jenke).

Jenke is silent as to specifics of how a user selects and retrieves a work stored on either the local hard drive or solid state memory. It would appear that the user must select one work at a time from the available stored works. As further noted in Jenke:

"Once program materials are stored on the storage medium 50, a playback system 52 permits the stored program material to be played back in real time, for example, over the AM/FM radio in an automobile via a line output 54 or through a speaker or pair of head phones 56." (Col. 8, l 65- Col. 9, l. 2, Jenke).

Thus, Jenke teaches the retrieval and playing of each individually specified work.

For the above reasons, neither Allison nor Jenke alone or in combination disclose, suggest or make obvious the invention of pending claims 58-61, 63, 64, 67-71, 74-83, 89-96, 99-110, 113-116, 118 and 119.

In addition to the above, more specifically relative to claims 76-78, 120, 121, 101, 103, 104, 126, 127, 128 , neither Allison nor Jenke alone or in combination disclose, suggest or make obvious:

"control software enabling a local user to sort at least some of the works in a remote inventory based on user-specified selected characteristics of the works and view of screen containing at least some of the works" (claim 76, similar wording in 101, 126)

Additionally, neither Allison nor Jenke alone or in combination disclose, suggest or make obvious:

"software for controlling a media writing device, coupled to the user station whereby selected works on the list can be written to a removable medium after the works are downloaded." (claims 78, 79, similar wording in 103, 104, 128, 129).

As is quite clear from our review of both Allison and Jenke, alone or in combination, neither one of them, alone or in combination, provides the claimed "media writing device, coupled to the user station, whereby selected works can be written to a removable medium". Allison discloses a computer controller 6 but makes no reference to recording works. Allison strictly plays back works from record player 9. Jenke outputs works only audibly on either line 54 or 56.

Further, neither Allison or Jenke, alone or in combination, disclose, suggest or make obvious:

"software enabling a user to preview at least part of a work," (claims 80, 124 similar wording in 105, 130).

No such facility as claimed is present in the system of either Allison or Jenke.

Further, neither Allison nor Jenke alone or in combination disclose, suggest or make obvious:

"wherein at least some of the works on the list include advertisements." (claims 81, 125 similar wording in 106, 131).

Jenke is completely silent relative to advertisements. Allison's reference to advertisements is:

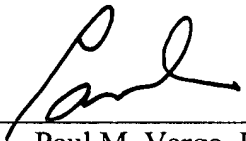
the display terminal may also optionally display announcements, advertisements, games and the like to add further value to the system." (Col. 1, ll. 63-65, Allison)

The above reference is very general, and, unlike the claimed system and method, relates to displaying advertisements without any connection whatsoever to the selected works.

Claim 88 was objected to as containing allowable subject matter. Claim 113 should be allowable for at least the same reasons.

For all of the above reasons, the pending claims are allowable, and allowance of the application is respectfully requested.

Respectfully submitted,  
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